

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Samuel J. Bourne, Individually,
and as Trustee of Bedrock Realty Trust

v.

Civil No. 05-cv-365-JD

Town of Madison, et al.

O R D E R

Samuel J. Bourne, who is represented by counsel, seeks leave to file a motion, *pro se*, for relief, pursuant to Federal Rule of Civil Procedure 60, from the court's prior decisions which have dismissed most of his claims. Trial in this case is scheduled to begin on January 20, 2010. To avoid unnecessary delay, the court will address Bourne's motion without the benefit of the defendants' response.

Local Rule 4.3(e), addressing *pro se* filings, states that a party who is represented by counsel may not make a *pro se* filing in the case unless either he is granted leave to do so or the motion relates to the status of his counsel. Bourne states that he seeks leave to file a *pro se* motion under Rule 60 "[d]ue to the continued fraud upon this Court by the Defendant's [sic] and their counsel and the inadequate representation of Plaintiff's counsel." Bourne's view that the defendants have engaged in fraud was thoroughly presented, by counsel, in his motion for

reconsideration, which was denied for the reasons stated. The court declines to consider the same issues presented as a pro se motion under Rule 60.

Conclusion

For the foregoing reasons, the plaintiff's motion for leave to file a motion pro se (document no. 131) is denied.

SO ORDERED.



Joseph A. DiClerico, Jr.
United States District Judge

December 10, 2009

cc: Samuel J. Bourne, pro se
Brian J.S. Cullen, Esquire
Rachel A. Hampe, Esquire
Richard D. Sager, Esquire
Gerald F. Williamson, Esquire